

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BHAGUBHAI HIRA, PRADIP HIRA,)
and SHIRISH HIRA,)
)
v.) No. 3:13-cv-527
)
NEW YORK LIFE INSURANCE)
COMPANY,)

ORDER

For the reasons set forth in the accompanying memorandum opinion, the defendant's motion to dismiss [Doc. 25] is **GRANTED in part and DENIED in part** as follows: plaintiffs' claims for fraud, constructive fraud, breach of fiduciary duty, civil RICO, and unjust enrichment are **DISMISSED**. The case will proceed solely on plaintiffs' breach of contract claim.

IT IS SO ORDERED.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE